IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF IOWA WESTERN DIVISION

| UNITED STATES OF AMERICA, |) |
|---------------------------|------------------------|
| Plaintiff, |)) No. 06-4097-MWB |
| VS. |) |
| KENYATTA DRAINE, |) |
| Defendant. |) |

NOTICE OF INTENT TO SEEK ENHANCED PENALTIES PURSUANT TO 21 U.S.C. § 851

Pursuant to 21 U.S.C. § 851, the United States Attorney files with the Court notice that the United States intends to seek enhanced penalties for Count 1 of the Indictment by reason of the defendant's prior conviction for a felony drug offense. The previous conviction the United States will rely upon for enhanced punishment is:

Trafficking in Marijuana, in Garvin County, Oklahoma District Court on or about April 22, 2002, in Case No. CF-97-00268.

This offense constitutes a "prior conviction for a felony drug offense." Therefore, in the event the defendant is convicted of Count 1, the offense of conspiracy to distribute and possess with intent to distribute more than one hundred kilograms of marijuana, a Schedule I controlled substance, (as charged by indictment), defendant faces a mandatory minimum sentence of 10 years imprisonment and at least 8 years of supervised release.

Respectfully submitted,

MATT M. DUMMERMUTH United States Attorney

By: s/Robert A. Knief

ROBERT A. KNIEF Assistant United States Attorney 600 4th Street, Ste. 670 Sioux City, IA 51101 (712) 255-6011 (712) 252-2034 (fax) Robert.Knief@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on April 17, 2007, I electronically filed the foregoing with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Robert Tiefenthaler

UNITED STATES ATTORNEY

BY: s/Jean Wordekemper